

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	MDL No. 02419
LITIGATION)	Docket No. 1:13-md-2419-RWZ
_____)	
)	
This document relates to:)	
)	
All Box Hill Cases)	
)	

**JOINT MOTION BY PLAINTIFFS AND BOX HILL DEFENDANTS SEEKING
CLARIFICATION OF THE FILING OF A SUMMARY OF THE REMAINING (NON-
BELLWETHER) CASES**

The Plaintiffs and Box Hill Defendants hereby file this motion seeking clarification as to whether they are required to file a summary of the remaining cases as originally stated in the Third Amended Order Setting Discovery Deadlines [Dkt 3301], and further state:

1. The Third Amended Order Setting Discovery Deadlines [Dkt. 3301] sets a deadline of June 26, 2017 for the parties to file a summary of the remaining cases in the MDL.
2. The parties and the Court agreed on two bellwether cases in which case-specific discovery is going forward at this time—Dreisch (No.1:14-cv-14029-RWZ) and Kashi (No.1:14-cv-14026-RWZ).
3. The parties filed a consent motion seeking to have case-specific discovery stayed for all of the remaining (non-bellwether) cases.
4. Discovery was then stayed by Order of this Court for the remaining Box Hill cases [Dkt. 3408, filed 6/21/17]. The Court stated that **“all deadlines specified in the Discovery Deadlines Order (Dkt. 3301) are hereby STAYED until further order of the Court as to (the six non-bellwether cases).”**
5. The parties disagree as to whether the Order staying discovery means that the deadline to file a summary of remaining cases is also stayed.
6. As such, the parties now seek clarification as to whether they are required to file a

summary of the remaining cases.

7. Out of an abundance of caution, should the Court determine that a summary of the remaining cases must be filed, then the parties would request an extension until July 10, 2017, to do so.

WHEREFORE, the parties respectfully seek clarification of the above issue. If a summary is required, then the parties seek an extension until July 10, 2017.

Respectfully submitted,

/s/ Gregory K. Kirby

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CERTIFICATE OF SERVICE

I, Gregory K. Kirby, hereby certify that a copy of the foregoing, filed through the CM/ECF system, will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF).

Dated: June 23, 2017

/s/ Gregory K. Kirby